

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ANTHONY D. HOOVER,)	
)	
Plaintiff,)	
)	2:08-cv-01307-RLH-LRL
v.)	
)	AMENDED COMPLAINT (#3)
ANDY CALLIENG, <i>et. al.</i> ,)	
)	
Defendants.)	
)	

REPORT & RECOMMENDATION

Before the court is plaintiff's Amended Complaint (#3), which is plaintiff's response to this court's order to file an amended complaint. Order (#2).

Plaintiff filed his initial Complaint (#1) and an Application to Proceed *In Forma Pauperis* on September 28, 2008. Upon granting his request to proceed *in forma pauperis*, this court screened his Complaint pursuant to 28 U.S.C. § 1915(a). This court found that plaintiff set forth no causes of action and therefore asserted no civil rights violations; nor did he list defendants where required in section A(2) ("Jurisdiction"), but instead made statements in the Complaint and accompanying affidavit that were "fantastic, delusional, and irrational." This court therefore dismissed the Complaint on November 12, 2008, and instructed plaintiff to amend his Complaint to cure the deficiencies listed by the court. Order (#2). *See Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1985). Plaintiff was cautioned that failure to adequately amend the Complaint by December 12, 2008 could result in dismissal.

Plaintiffs's "Amended" Complaint (#3) is not an amended complaint. Plaintiff has merely re-filed the same papers submitted as his original Complaint (#1). No other papers have been filed since the filing of Amended Complaint (#3).

RECOMMENDATION

Based on the foregoing, it is the recommendation of the undersigned United States Magistrate Judge that this case be dismissed with prejudice for failure to state a cognizable claim.

DATED this 23rd day of December, 2009.



LAWRENCE R. LEAVITT
UNITED STATES MAGISTRATE JUDGE